

72



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,749	04/25/2000	Dyami Calire	004348.P002	9915

7590

04/09/2004

Glenn E. Von Tersch
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER

ZHEN, WEI Y

ART UNIT	PAPER NUMBER
----------	--------------

2122

DATE MAILED: 04/09/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,749

Applicant(s)

CALIRE, DYAMI

Examiner

Wei Y Zhen

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2122

1. This action is in response to the amendment filed on 1/26/2004.
2. Claims 1-10 are pending.
3. Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Highland, U.S. Patent No. 6,145,120.
4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Highland, U.S. Patent No. 6,145,120.
5. The rejection under 35 U.S.C. 112, second paragraph to claims 1-10 are withdrawn in view of applicant's amendment.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2122

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Highland, U.S. Patent No. 6,145,120.

As per claim 1, Highland discloses

Coordinating states of a web site, the states including code which effects the display and actions of the web site (col. 8 line 64 to col. 9 line 10, "...web page HTML and any related JavaScript code 260...when the HTML contains embedded JavaScript code, this is interpreted by the Web Browsers JavaScript Interpreter 214 to perform various actions including modification of the images and the text on the web page and computation of data values for display...");

Maintaining an environment of the web site, the code of the states having access to the environment (col. 9 lines 13-18, "...the execution of rules can perform...modification of the images and text on the web page...").

As per claim 2, Highland discloses

The coordinating and maintaining are performed by a state machine, and the state machine interacting with the states (col. 8 line 60-col. 9 line 22 and Fig. 2 "...Java Rule Environment Architecture...").

As per claim 3, Highland discloses

Maintaining the environment includes creating and managing environment data (Fig. 3 and col. 9 line 41-55).

Claim 5 is rejected for the reason set forth in the rejection of claim 1.

As per claim 6, Highland discloses interacting with the states (Fig. 3 and col. 9 line 41-55, and col. 8 lines 60 to col. 9 line 22).

Claim 7 is rejected for the reason set forth in the rejection of claim 1.

Claim 8 is rejected for the reason set forth in the rejection of claim 2.

Claim 9 is rejected for the reason set forth in the rejection of claim 3.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Highland, U.S. Patent No. 6,145,120.

As per claim 4, Highland discloses supplying environment data to the states and receiving changes to environment data from the states (Fig. 3 and col. 9 line 41-55).

Highland does not explicitly disclose interacting with the states includes receiving indications of success or failure from the states.

Official Notice is taken that indicating whether transmission of data is successful or failure was well known in the art at the time the invention was made.

Art Unit: 2122

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of the well known knowledge into the system of Highland to have interacting with the states includes receiving indications of success or failure from the states because one would want to ensure that information are sent successfully.

Claim 10 is rejected for the reason set forth in the rejection of claim 4.

Response to Arguments

8. Applicant's arguments filed on 1/26/2004 have been fully considered but they are not persuasive.

Applicant argues:

- 1) Highland does not disclose coordinating states of a web site, the state includes code which effects the display and actions of the web site as recited in independent claims 1, 5 and 7.
- 2) Highland does not disclose state machine interacting with the states wherein interacting with the states including receiving indications of success or failure from the states, supplying environmental data to the state and receiving changes to environment data from the states as in claims 4 and 10.

Examiner's response:

- 1) Highland clearly discloses *Coordinating states of a web site, the states including code which effects the display and actions of the web site* (col. 8 line 64 to col. 9 line 10, "...web page HTML and any related JavaScript code 260...when the HTML contains embedded JavaScript code, this is interpreted by the Web Browsers JavaScript Interpreter 214 to perform various

Art Unit: 2122

actions including *modification of the images and the text on the web page and computation of data values for display...*", note that modification of the images and text on the web page is clearly effecting the display and action of the website).

2) Highland clearly discloses supplying environment data to the states and receiving changes to environment data from the states (Fig. 3 and col. 9 line 41-55, "...its sets the timetag of the object to the current time and initialized the type attributes to the type of the object as indicated at 310..."). Although Highland does not explicitly disclose interacting with the states includes receiving indications of success or failure from the states. Official Notice is taken that indicating whether transmission of data is successful or failure was well known in the art at the time the invention was made. The previous office action pointed out why it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of the well known knowledge into the system of Highland to have interacting with the states includes receiving indications of success or failure from the states because one would want to ensure that information are sent successfully. Applicant failed to point out the error in the motivation to modify Highland. Therefore, the rejection is proper and is maintained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2122

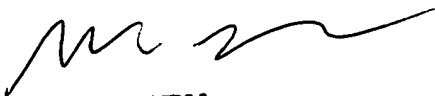
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (703) 305-0437. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wei Zhen
April 8, 2004



WEI Y. ZHEN
PATENT EXAMINER